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CLERK US DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

BY DEPUTY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,)	Civil No. 08cv2338-W(CAB)
)	
Plaintiff,)	JUDGMENT
)	OF FORFEITURE
v.)	
)	
ONE RESIDENTIAL PROPERTY)	
LOCATED AT 452 FULVIA STREET,)	
ENCINITAS, CALIFORNIA,)	
AND ALL IMPROVEMENTS AND)	
APPURTENANCES AFFIXED THERETO,)	
)	
Defendant.)	

Having reviewed the foregoing Joint Motion and good cause appearing therefor,

IT IS HEREBY ORDERED, ADJUDGED and DECREED:

The Joint Motion is approved. (Doc. No. 23.)

1. The parties have entered into this joint motion in order to resolve the matter of the seizure and forfeiture of the above-referenced defendant, One Residential Property Located at 452 Fulvia Street, Encinitas, California, and All Improvements and Appurtenances Affixed Thereto ("defendant property"), more particularly described as:

ASSESSORS PARCEL NO. 256-242-17-00

THE SOUTHEASTERLY 132 FEET OF THE SOUTHWESTERLY 133 FEET OF LOT 10 IN BLOCK "D" OF SOUTH COAST PARK ANNEX IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 1788, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAID SAN DIEGO COUNTY, MARCH 29TH, 1924.

1 2. The parties have agreed to a settlement which is hereinafter described in its
2 particulars:

3 a. Claimant Louise Angela Dickson shall pay \$180,000.00 in U.S. Currency
4 by cashier's check made payable to the U.S. Marshals Service and provide verification to the
5 United States of the loan agreement between claimant Louise Angela Dickson and Harold L.
6 Baker, Jr. through the submission of a copy of the notarized loan agreement by May 21, 2010.
7 The \$180,000.00 shall be condemned and forfeited to the United States pursuant to Title 21,
8 United States Code, Section 881. Upon payment of the \$180,000.00 and receipt of the copy of the
9 notarized loan agreement, the United States agrees to release the Lis Pendens placed upon the
10 defendant property. Costs incurred by the United States incident to the seizure and custody of the
11 defendant property shall be borne by the United States. If the claimant fails to make the payment
12 of \$180,000.00 and/or fails to provide the copy of the notarized loan agreement by May 21, 2010,
13 the defendant property shall be condemned and forfeited to the United States pursuant to Title 21,
14 United States Code, Section 881. The U.S. Marshals Service shall then sell the defendant property
15 with the proceeds of the sale to be distributed under the following terms. Costs incurred by the
16 United States incident to the seizure and custody of the defendant property, if any, shall be paid
17 from the proceeds of the sale before any distribution is made to the United States or the claimant.
18 After costs are paid, the United States shall then receive the first 80% of the remaining
19 net proceeds. The remaining 20% of the net proceeds shall be returned to the claimant
20 Louise Angela Dickson, through her attorney of record, Richard M. Barnett.

21 3. The terms of this settlement do not affect the tax obligations, fines, penalties, or any
22 other monetary obligations the claimant owes to the United States.

23 4. The person or persons who made the seizure or the prosecutor shall not be liable to
24 suit or judgment on account of such seizure in accordance with Title 28, United States Code,
25 Section 2465. Claimant has agreed that by entering into this joint motion, she has not
26 "substantially prevailed" within the meaning of 28 U.S.C. § 2465. All parties shall bear their own
27 costs and expenses, including attorney fees. Judgment shall be entered in favor of the United States
28 on its complaint.

5. Claimant has warranted and represented as a material fact that she is the sole owner of the defendant property and has further warranted that no other person or entity has any right, claim or interest in the defendant property, and that she will defend and indemnify the United States against any and all claims made against it on account of the seizure and forfeiture of the defendant property.

6. The Claimant, her agents, employees, or assigns, shall hold and save harmless the United States of America, its agents and employees, from any and all claims which might result from the seizure of the defendant property.

This case is hereby ordered closed. Let judgment be entered accordingly.

DATED: 4/19/10

THOMAS J. WHELAN, Judge
United States District Court